

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61306 of 2019

Arising out of P.S. Case No.-75 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

Vikash Pandey, aged about 35 years, Son of Late Ram Bihari Pandey Resident
of Village- Majhauri, P.S.- Dinara, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar
2. Janki Devi, aged about 32 years, Female, Wife of Vikash Pandey Resident of
Majhauri, P.S.- Dinara, District- Rohtas at Sasaram, at present- D/o Siyaram
Tiwary, Resident of Village- Neemdihra, P.S.- Kargahar, District- Rohtas at
Sasaram.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

5 04-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 75 of 2019 dated 18.01.2019 instituted
under Section 498A of the Indian Penal Code and Sections 3/4
of the Dowry Prohibition Act.

3. Earlier on 20.11.2019 the Court had granted interim
protection to the petitioner and had sent the matter before the
Mediation Centre and had noted that both the parties had agreed
to appear before Mediation Centre on 29.11.2019. However, the
learned Mediator, Mr. Sujeet Kumar Sinha has submitted his



report on 16.12.2019 which reads as under:-

“None of the parties appeared. Due to non co-operation of parties this mediation can not proceed.

Hence, mediation failed.”

4. Learned counsel for the petitioner submitted that he is ready to keep the wife, but from the conduct, as noted above, the Court finds that it was only for the purpose of taking advantage of getting interim protection by the Court but such conduct of not appearing before the Mediation Centre as had been agreed by him and directed by the Court, clearly was not *bona fide* and genuine. Thus, the Court finds that the stand taken of being ready to keep the wife, opposite party no. 2 with full dignity, honour and security is only for the purpose of avoiding adverse consequences.

5. Learned APP submitted that his conduct of taking interim protection of the Court and not appearing before the Mediation Centre on the date fixed by the Court, in terms of the agreement between the parties the intention of the petitioner is clearly not clean.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the submission of petitioner that he is ready to



keep the wife was only for the purpose of taking advantage by getting interim protection by the Court but such conduct of not appearing before the Mediation Centre clearly indicates lack of *bona fide* of the petitioner. Thus, the Court is not inclined to grant the privilege of anticipatory bail to the petitioner.

9. In view thereof, the application stands dismissed. Interim protection granted by order dated 20.11.2019 stands vacated.

(Ahsanuddin Amanullah, J)

Vikash/-

U		T	
---	--	---	--

